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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,334	03/17/2004	Nicholas W. Oakley	P19161	5583
59796 7590 01/31/2007 INTEL CORPORATION c/o INTELLEVATE, LLC P.O. BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER NGUYEN, QUAN M	
			ART UNIT 2109	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/31/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/803,334

Applicant(s)

OAKLEY ET AL.

Examiner

Quan Nguyen

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2004 March 17.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2004 March 17 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2005 April 01</u>   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office Action is in response to the application filed on 03/17/2004.
2. Claims 1-27 are pending.

### ***Specification***

3. The specification is objected to due to minor informalities. The paragraph label [0031] should be deleted from the abstract.

Page 3 [0008], page 9 [0023], and page 10 [0024] all contain "5A-C" which should be replaced with "5A-5C".

### ***Claim Objections***

4. Claim 19 is objected to because of the following informalities: claim 19 recites the limitation "said second section" in line 3. There is insufficient antecedent basis for this limitation in the claim. The examiner suggests replacing "said second section" with "said lower section". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-10, 12-23, 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Lapstun et al. U.S. Patent Number 6,946,672 (hereinafter Lapstun).

As per claim 1, Lapstun discloses of “a method comprising determining information to be displayed on a display of a computer system by sensing movement of the computer system” by a viewer with a sensor that detects movement and transmits data for display (Lapstun abstract lines 5-7 and column 10 lines 27-29).

As per claim 2, the rejection of claim 2 is incorporated and Lapstun discloses of “wherein said sensing the movement of the computer system is performed using a movement sensor” by a code sensor that detects movement (Lapstun column 10 lines 27-29).

As per claim 3, the rejection of claim 2 is incorporated and Lapstun discloses of “the movement sensor is an optical sensor” by an optical sensor device (Lapstun column 6 lines 46-47).

As per claim 4, the rejection of claim 3 is incorporated and Lapstun discloses of "sensing the movement of the computer system is performed when the computer system is placed on a surface" by the viewer along with the sensor has a view of the surface and then used to detect movement (Lapstun column 10 lines 27-29).

As per claim 5, the rejection of claim 2 is incorporated and Lapstun discloses of "the movement sensor is a mechanical sensor" by having the navigation controls as a joystick or thumbwheel (Lapstun column 4 lines 6-8).

As per claim 6, the rejection of claim 5 is incorporated and Lapstun discloses of "sensing the movement of the computer system is performed when the computer system is on a surface or handheld" by a sensor detecting movement on a surface or when the viewer is lifted from the surface, it can still navigate the content (Lapstun column 4 lines 2-6 and column 10 lines 27-29).

As per claim 7, the rejection of claim 1 is incorporated and Lapstun discloses of "sensing direction of the movement of the computer system" by having an accelerometer and allowing the sensor to update the viewer of it's relative position on the page (Lapstun column 10 lines 35-36 and column 11 lines 18-21).

As per claim 8, the rejection of claim 7 is incorporated and Lapstun discloses of "determining the information consistent with said sensed direction of the movement of

the computer system” by determining the relative position of the viewer and the page as the viewer moves (Lapstun column 11 lines 21-25).

As per claim 9, the rejection of claim 1 is incorporated and Lapstun discloses of “determining an action to be performed by the computer system by sensing a clicking motion of the computer system” by pushing down on buttons to activate switches (Lapstun column 11 lines 51-54).

As per claim 10, the rejection of claim 9 is incorporated and Lapstun discloses of “the clicking motion of the computer system is initiated by applying pressure on an upper section of the computer system toward a lower section of the computer system” by pressing down on the left hand control button 186, on the upper molding of the device, which activates switch 188 on the lower molding of the device (Lapstun column 11 lines 50-54).

As per claim 12, Lapstun discloses of “a computer readable medium having stored thereon sequences of instructions which are executable by a system, and which, when executed by the system, cause the system to perform a method” by a computer system that processes and transmits data and displays data on a device (Lapstun column 3 lines 5-17). In particular, claim 12 contains the same limitations as claims 8 and 9 and is rejected under the same rationale as set forth in connection with claims 8 and 9.

As per claim 13, the rejection of claim 12 is incorporated and claim 13 contains the same limitations as claims 3 and 5 and is rejected under the same rationale as set forth in connection with claims 3 and 5.

As per claim 14, the rejection of claim 12 is incorporated and Lapstun discloses of "information to be displayed on the display of the computer system includes a first section of a document, and wherein the sensed direction of movement of the computer system is used to display a second section of the document" by updating images of the relative position as the viewer moves (Lapstun column 11 lines 18-21).

As per claim 15, the rejection of claim 14 is incorporated and Lapstun discloses of "a logical location of the second section relative to the first section is consistent with the sensed direction of the movement of the computer system" by having the updated image on the display relative to the previous position scrolled to the new position as the device moves (Lapstun column 11 lines 18-25).

As per claim 16, the rejection of claim 12 is incorporated and Lapstun discloses of "the action to be performed by the computer system corresponds to an action performed when a mouse click is initiated" by pressing down on a button and causing the device to activate a switch, each switch associated with an action (Lapstun column 11 lines 50-60).

As per claim 17, Lapstun discloses of “a processor” (Lapstun column 6 lines 61-63), “a display coupled to a processor” (Lapstun column 6 lines 61-63), “a first movement sensor coupled to the processor, the first movement sensor is to sense direction of movement of the system” by a processor executing data via the sensor to identify the position of the viewer relative to the page (Lapstun column 7 lines 39-42), and “translation logic to translate the direction of movement of the system into a first set of operations to be performed by the processor, wherein the first set of operations includes displaying information on the display consistent with the sensed direction of movement of the system” by receiving identity and position data from the viewer through the transceiver for rendering output for display (Lapstun column 7 lines 44-46).

As per claim 18, the rejection of claim 17 is incorporated and Lapstun discloses of “the translation logic is further to translate clicking motion of the system into a second set of operations to be performed by the processor, wherein the second set of operations corresponds to an action performed when a mouse click is initiated” by allowing the processor to interpret user input captured via the user interface buttons (Lapstun column 7 lines 46-47).

As per claim 19, the rejection of claim 18 is incorporated and Lapstun discloses of “clicking motion is initiated by applying pressure to an upper section of the system toward a lower section of the system, wherein said upper section includes the display,



and wherein said second section includes the movement sensor" (assuming that "second section" is replaced with "lower section") by a user pressing down upon the left hand control button 186 located on the upper molding and activating the switch 188 on the lower molding which also includes the sensor (Lapstun column 3 lines 46-47 and column 11 lines 50-54).

As per claim 20, the rejection of claim 17 is incorporated and claim 20 contains the same limitations as claim 13 and is rejected under the same rationale as set forth in connection with claim 13.

As per claim 21, the rejection of claim 17 is incorporated and Lapstun discloses of "a second movement sensor coupled to the first movement sensor" by allowing the viewer to have multiple sensors (Lapstun column 4 lines 9-13).

As per claim 22, the rejection of claim 21 is incorporated and Lapstun discloses of "angular rotation is determined by using directional information sensed by the first movement sensor and the second movement sensor" by having the system derive the information it receives which enables the information to be displayed at a rotated angle relative to the page. Also, as the viewer transform changes, the viewer re-renders the display according to the new view transform (Lapstun column 10 lines 58-64 and column 11 lines 4-7).

As per claim 23, claim 23 contains the same limitations as claim 2 and is rejected under the same rationale as set forth in connection with claim 2.

As per claim 25, claim 25 contains the same limitations as claim 22 and is rejected under the same rationale as set forth in connection with claim 22.

As per claim 26, claim 26 contains the same limitations as claim 10 and is rejected under the same rationale as set forth in connection with claim 10.

As per claim 27, claim 27 contains the same limitations as claim 13 and is rejected under the same rationale as set forth in connection with claim 13.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 11 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lapstun et al. U.S. Patent Number 6,946,672 (hereinafter Lapstun) further in view of Denny, III U.S. Patent Application Publication Number US 2004/0212586 A1 (hereinafter Denny).

As per claim 11, the rejection of claim 1 is incorporated and Lapstun discloses, "determining the information to be displayed on the display of the computer system" (Lapstun abstract lines 5-7 and column 10 lines 27-29). Lapstun does not specifically disclose "determining a location of a cursor". However, Denny teaches of "determining a location of a cursor" by having an electro-optical sensor produce a light pattern to convert the motion of light and relative position of a cursor (Denny page 8 [0106] lines 1-10).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the movement sensing computer system of Lapstun with the cursor tracking of Denny. One of ordinary skill in the art would have been motivated to do so because the cursor can be used to initiate actions such as manipulating data displayed on screen (Denny page 4 [0060] lines 2-3).

As per claim 24, the rejection of claim 23 is incorporated but Lapstun does not disclose "controlling position of a cursor displayed on the display of the computer system by causing the first movement sensor to sense movement of the computer system". However, Denny teaches of "controlling position of a cursor displayed on the display of the computer system by causing the first movement sensor to sense movement of the computer system" by including sensors to detect movement of the device allowing the pointing element to move associated with the device movement (Denny page 5 [0077] lines 1-16).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the movement sensing computer system of Lapstun with the cursor movement of Denny. One of ordinary skill in the art would have been motivated to do so because it would be easier for the user to implement scrolling or other actions using the translation and rotation motions (Denny page 8 [0103] lines 1-5).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quan Nguyen whose telephone number is 571-270-1406. The examiner can normally be reached on 7:30-5 M-Th, 7:30-4 first Fri, Off second Fri.

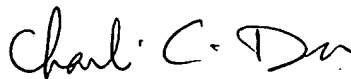
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chameli Das can be reached on 571-272-3696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2112

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Quan Nguyen  
Patent Examiner  
Art Unit 2112



CHAMELI DAS  
SUPERVISORY PATENT EXAMINER

1/18/07